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**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/052,673    03/31/98    ANDERSON

R    11232

EXAMINER

RUPERT, P

ART UNIT

PAPER NUMBER

2734

DATE MAILED: 05/30/00

LM02/0530  
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/052,673

Applicant(s)

ANDERSON, RICHARD E.

Examiner

Paul N. Rupert

Art Unit

2734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 March 1998.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,8,11 and 12 is/are rejected.
- 7) ☐ Claim(s) 3-5,7,9 and 10 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 1998 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
- ☐ received.
  - ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
  - ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. Figures 1-4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: all Figures, all references. Correction is required.
4. The drawings are objected to because in the drawings, sheet 7/10 and 8/10 are both labeled as Fig. 7. Correction is required.
5. The drawings are objected to because in the drawings, sheet 8/10 labeled Fig. 7 and sheet 9/10 labeled Fig. 8 are identical. Correction is required.
6. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

### ***Specification***

7. The abstract is objected to because of the following informalities: line 4 of the abstract, insert "to" before "control", line 5 insert "is" before "calculated"
8. The disclosure is objected to because of the following informalities: page 2 line 9 replace "<PEG" with "MPEG"; page 5 line 16 replace "ans" with "and"; page 7 line 10 replace "ad" with "and"; page 7 line 17 replace "provide" with "private"; page 10 line 17 replace "Provide" with

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"Private"; page 10 line 27 replace "if" with "of"; page 16 line 22 replace "tine" with "time"; page 18 line 8 replace "tp" with "to"; page 18 line 9 replace "whole" with "while"; page 19 lines 1 and 9 replace "Indictor" with "Indicator"; page 19 line 27 replace "ate" with "are"; page 24 lines 17-21 contain a sentence with a repeated fragment, it is suggested to delete from line 20-21 "... and a PCR extension having a 9-bit value in units of 90 kHz,"; page 25 line 6 replace "different" with "difference"; page 25 line 15 delete "this"; page 27 line 26 change "rate if" to "rate of"; page 28 first paragraph lines 1-5 revise this paragraph so that it makes sense; page 29 line 3 replace "limited to scope" with "limit the scope of". Appropriate correction is required.

9. The disclosure is objected to as failing to comply with 37 CFR 1.84(p)(5) because none of the reference sign(s) are mentioned in the description. Correction is required.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation "the threshold" in claim 6. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1, 2, 6, 11 and 12 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by David L. Mills, "RFC 1305 Network Time Protocol (Version 3)", March 1992. A method for determining the difference between local and remote clock frequencies and time values, and for adjusting the local clock frequency so that the difference approaches zero is fully disclosed by Mills. The applicant's intended use of his invention within a digital data decoder is does not render his invention patentable over the prior art because any general purpose computer can be programmed to be a digital data decoder, and NTP can be implemented on any general purpose computer. It would have been obvious to one of ordinary skill in the art to utilize the gradual phase adjustment technique taught by Mills in order to synchronize two remote clocks over a network, regardless of the use to which the synchronized clocks could be put.

14. Claims 1, 2, 6, 11 and 12 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Dokic (US 5699392) "Method and System for the Recovery of an Encoder Clock from an MPEG-2 Transport Stream."

Regarding claims 1, 2, 6, 11 and 12, a method and apparatus for determining the difference between local and remote clock frequencies and time values, and for adjusting the local clock frequency so that the difference approaches zero is fully disclosed by Dokic.

(Fig. 4, Fig. 5, col. 4 lines 19-50, col. 6 line 62 to col. 7 line 48).

***Allowable Subject Matter***

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15. Claims 3-5, 7, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. If claim 8 is intended to be dependent from claim 7, then it also is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

16. The following is a statement of reasons for the indication of allowable subject matter: the hardware which parses the time reference messages and only interrupts the processor when the difference between the local clock and the reference clock is greater than a threshold is not found in the prior art.

### *Conclusion*

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "MPEG-2: A Tutorial Introduction to the Systems Layer" Sarginson, P.A. MPEG-2 - What it is and What it isn't, IEE Colloquium on, 1995, pp. 401-413, Yu (US 6028648), Shiimoto et al (US 5917873), Moon (US 5881114), Ryan (US 5828416), Noda et al (US5784119).

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul N. Rupert whose telephone number is (703) 305-0194. The examiner can normally be reached on M-F 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin, can be reached on (703) 305-4714.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 308-9051 (for formal communications intended for entry)

**Or:**

(703) 308-6743 (for informal or draft communications, please label

“PROPOSED” OR “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington VA, Sixth Floor (Receptionist).

PNR  
May 15, 2000

  
**STEPHEN CHIN**  
**SUPERVISORY PATENT EXAMINER**  
**GROUP 2700**